

The correct name of the 'Himalayan Buzzard' is *Buteo (buteo) burmanicus*

by John Penhallurick & Edward C. Dickinson

Received 8 March 2007

Recently, Dickinson & Walters (2006: 157–158) stated that the earliest name applicable to what is either considered a race of Eurasian Buzzard *Buteo buteo* (Linnaeus, 1758) or, by others (e.g. Rasmussen & Anderton 2005: 102), a valid species, is *Buteo plumipes*, based on *Circus plumipes* 'Parbattia' [=Hodgson], 1836 (central hills of Nepal) rather than *Buteo burmanicus* Hume, 1875. Dickinson & Walters (2006) remarked that *plumipes* was used by La Touche (1907) and Ogilvie-Grant & La Touche (1907), thus satisfying ICZN (1999) Art. 23.9.1.1. However, Hartert (1914: 1127) considered *Buteo burmanicus* 'Oates' [=Hume], 1875, to be the valid name for an upper Burmese population of *Buteo buteo*, but Hodgson's name to be preoccupied in the genus *Buteo* by *Falco plumipes* Daudin, 1800, which is cited by Hartert (1914: 1128) in the synonymy of *Buteo lagopus lagopus* (Brünnich, 1764). In terms of the current Code, this is a case of secondary homonymy (Art. 53.3).

The earliest available name for the 'Himalayan Buzzard' is *Buteo burmanicus* Hume, 1875, as correctly used by Rasmussen & Anderton (2005). We also note that Peters (1931: 235) considered *Buteo burmanicus* to be a valid name, and, indeed, a species, incorporating the range of *Buteo japonicus* (from *Falco buteo japonicus* Temminck & Schlegel, 1845), which Peters reduced to the synonymy of *Buteo burmanicus burmanicus* as preoccupied by *Falco tinunculus japonicus* Temminck & Schlegel, 1845. Peters also considered the taxon *toyoshimai* Momiyama, 1927, to be a subspecies of *Buteo burmanicus*. We agree with Rasmussen & Anderton (2005) that *Buteo japonicus refectus* Portenko, 1935, although accepted as valid by Orta (1994), should be placed in synonymy of *Buteo burmanicus*, as it is 'indistinguishable in plumage and size from Chinese *burmanicus*', whilst in terms of DNA (Riesing *et al.* 2003, Kruckenhauser *et al.* 2004), *refectus* [=burmanicus] clustered with Upland Buzzard *Buteo hemilasius* Temminck & Schlegel, 1844, rather than *B. buteo*, suggesting that *B. burmanicus* is specifically distinct from *B. buteo*.

References:

- Dickinson, E. C. & Walters, M. 2006. Systematic notes on Asian birds. 54. Comments on the names proposed by Hodgson (1845) and their priority. *Zool. Meded.* 80(5): 155–167.
- Hartert, E. 1914. *Die Vögel der paläarktischen Fauna*, vol. 2(9). R. Friedländer & Sohn, Berlin.
- International Commission on Zoological Nomenclature (ICZN). 1999. *International code of zoological nomenclature*. Fourth edn. International Trust for Zoological Nomenclature, c/o The Natural History Museum, London.
- Kruckenhauser, L., Haring, E., Pinsker, W., Reising, M. J., Winkler, H., Wink, M. & Gamauf, A. 2004. Genetic versus morphological differentiation of Old World buzzards (genus *Buteo*, Accipitridae). *Zool. Scripta*. 33: 197–211.
- La Touche, J. D. D. 1907. Field notes on the birds of Chinkiang, Lower Yangtse Basin, Part III. *Ibis* (9)1: 1–30.
- Orta, J. 1994. Eurasian Buzzard *Buteo buteo*. P. 185 in del Hoyo, J., Elliott, A. & Sargatal, J. (eds.) *Handbook of the birds of the world*, vol. 2. Lynx Edicions, Barcelona.
- Ogilvie-Grant, W. R. & La Touche, J. D. D. 1907. On the birds of the island of Formosa. [Part 1]. *Ibis* (9)1: 151–198.
- Rasmussen, P. C. & Anderton, J. C. 2005. *Birds of south Asia. The Ripley guide*, vol. 2. Smithsonian Institution, Washington DC & Lynx Edicions, Barcelona.
- Reising, M. J., Kruckenhauser, L., Gamauf, A. & Haring, E. 2003. Molecular phylogeny of the genus *Buteo* (Aves: Accipitridae) based on mitochondrial marker sequences. *Mol. Phy. & Evol.* 27: 328–342.

Addresses: John Penhallurick, 86 Bingley Crescent, Fraser, ACT, Australia, e-mail: jpenhall@bigpond.net.au.
Edward C. Dickinson, c/o The Trust for Oriental Ornithology, Flat 3, Bolsover Court, 19 Bolsover Road,
Eastbourne, East Sussex, BN20 7JG, UK, e-mail: edward@asiaorn.org

© British Ornithologists' Club 2008

The valid name for the Grey Wagtail

by Richard Schodde & Walter J. Bock, for the Standing Committee on
Ornithological Nomenclature of the International Ornithological Committee

Received 20 April 2007

In Opinion 882, in 1969, the International Commission on Zoological Nomenclature (hereafter the Commission) validated *Motacilla cinerea* Tunstall, 1771, as the correct name for the Eurasian Grey Wagtail (ICZN 1969). It was conserved with three other names, including *Falco peregrinus* (Peregrine Falcon), all of them published in the folio *Ornithologia Britannica: seu Avium Omnium Britannicarum tam Terrestrium quam Aquaticarum Catalogus*, attributed to the English naturalist and collector, Marmaduke Tunstall (Tunstall 1771). The folio is a four-page list of names for 241 species of English birds, in three columns: Linnaean, English and French. Fourteen names are cross-referenced to entries in the edition of *Zoologiae Britannicae* (=Thomas Pennant's *British zoology*, 1766) then current, including *Falco peregrinus*, and so appear to be available by indication (ICZN 1999, Art. 12.2.1). None of the three other names validated in Opinion 882 is cross-referenced.

Although the species in the *Ornithologia Britannica* are identifiable by English and French names drawn from Pennant (1766) and Brisson (1760) respectively, all those not so cross-referenced lack both a description and indication (Art. 12, ICZN 1999), and are technically *nomina nuda*. Such circumstances first led to the *Ornithologia Britannica* being accepted for nomenclatural purposes (ICZN Opinion 38), then to its rejection (ICZN Direction 38). However, several names first published there had been in widespread use in ornithology for decades, even centuries in the case of *Falco peregrinus*. Accordingly, the Standing Committee on Ornithological Nomenclature (SCON) of the International Ornithological Committee applied to the Commission to validate four of them in 1958, including *Motacilla cinerea* (Grey Wagtail) (Salomonsen *et al.* 1964). This application was approved in Opinion 882.

Motacilla cinerea Tunstall, 1771, has been in universal use for the Grey Wagtail ever since, in hundreds of journal papers, field lists, checklists and manuals, until Mees (2006) challenged it by adopting the next junior synonym, *Parus caspicus* S. G. Gmelin, 1774, on the grounds that *Motacilla cinerea* Tunstall was a *nomen nudum* and so inadmissible for validation by the Commission. This misinterprets the provisions of the *International code of zoological nomenclature*. Under Arts 78.1 and 80.2 of the current edition (ICZN 1999)—and Arts. 78(b) and 79(a) in the third edition used by Mees (ICZN 1985)—the Commission is empowered, when ruling in an Opinion, to suspend or exempt any nomenclatural provision in order to settle the name to be used. Moreover, under Art. 80.9 of the current edition (*l.c.*)—and Art. 78(i) in that used by Mees (*l.c.*)—no ruling of the Commission may be set aside without the consent of the Commission. If the Commission has mistakenly validated *Motacilla cinerea* Tunstall and the other *nomina nuda* in Opinion 882, then application may be made to the Commission for correction under Art. 80.4 (ICZN 1999). The SCON does not